

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13086, of East Atlantic Construction Co., Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 3301.1 for minimum lot area and for variances from the floor area ratio (Sub-section 3302.1) and rear yard requirements (Sub-section 3304.1) to permit a proposed subdivision and new residential development comprising four semi-detached dwellings in an R-5-A District at the premises 4901-03 Ames Street, N.E., and 7-9 - 49th Street, N.E. (Square 5190, Lots 29 and 30).

HEARING DATE: November 28, 1979

DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The subject property is located between Central Avenue and Ames Street and is intersected by 49th Street, N.E. It is in an R-5-A District.

2. The subject site is approximately 7,300 square feet in area. It is generally level, unimproved and covered with vegetation and debris. The property is irregularly shaped, having a width of seventy feet on the west end and only fifty-nine feet on the east end.

3. To the north on the opposite side of Ames Street, in the R-2 District, are three story row houses; further north are detached and semi-detached residences. To the south on the opposite side of Central Avenue are four row dwellings with porches; one block further south are two story apartment buildings which front along East Capitol Street. To the immediate east with an approximate twenty foot set back are adjoining commercial buildings which include a converted church, a barber shop, a shoe repair shop and supermarket. To the west on the opposite side of 49th Street is a Fire Engine Company.

4. The applicant proposes to subdivide the two existing lots into four lots, and construct four semi-detached dwellings. Two of the buildings would face 49th Street and two would face Ames Street.

5. All four of the houses will be the same. Each will contain 2079 square feet of gross floor area, and would consist of two stories plus a basement. The basement will contain a one-car garage, den, powder room and utility room, the first floor will contain a living room, dining room and kitchen, and the second floor will contain three bedrooms and two bath rooms.

6. Paragraph 3105.42 of the Zoning Regulations applies to new residential development in the R-5-A District "except those comprising all one family detached and semi-detached dwellings." Since the development consists entirely of semi-detached dwellings, no special exception under Paragraph 3105.42 is required.

7. Sub-section 3302.1 of the Zoning Regulations authorizes the Board of Zoning Adjustment to prescribe the appropriate minimum lot area and lot width for structures in R-5-A Districts. The Board has previously ruled that a semi-detached dwelling would be permitted if it met the minimum lot area and width requirements applicable in the R-2 District, that is a minimum lot area of 3,000 square feet and a minimum lot width of thirty feet.

8. The four proposed lots all have minimum widths that meet or exceed thirty feet. However, the area of the four lots are 1890, 1890, 1836 and 1809 square feet, respectively. All are thus below the normal requirement for semi-detached dwellings. All four lots exceed the requirements of 1800 square feet applicable to row dwellings in R-5-A Districts.

9. The lots at 4901 and 4903 Ames Street are through lots, with the rear lot lines abutting Central Avenue. Since the rear yard can be measured from the centerline of the street, no rear yard variances are required for those lots. The lots at 7 and 9 49th Street are each proposed to have rear yards of six feet. A twenty foot rear yard is normally required. A variance of fourteen feet is thus required.

10. The R-5-A District permits a maximum floor area ratio of 0.9. The proposed dwellings exceed the permitted gross floor area by 378, 378, 426 and 450.9 square feet on the four lots, and variances are thus required.

11. In Case No. 12726, the applicant requested a special exception and variances from the Board to construct six rowhouses on the property facing Central Avenue. By Order dated November 9, 1978, the Board denied the application, noting that six units overcrowded the site, and that the variances requested resulted from the applicant's design for the site rather than from the property itself.

12. The Board finds that the present plans for the site respond to the objections noted by the Board in the previous decision. The reduction in the number of units from six to four results in the appropriate density for the site. The variances required now derive from the size of the site, not the design proposed.

13. There was no report from Advisory Neighborhood Commission 7C.

14. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the number of units proposed is appropriate, and that the size and configuration of the property creates a condition which causes a practical difficulty for the owner.

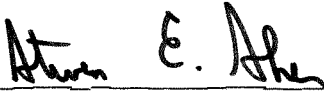
As to the special exception, the Board normally requires a minimum lot width of thirty feet and a minimum lot area of 3,000 square feet. The regulations do allow the Board to prescribe the required minimum lot area and width in each case. In this case the Board concludes that the proposed development is consistent with the neighborhood in which it is located, and that the lot areas as proposed are appropriate.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. The Board further concludes that the development as proposed will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Connie Fortune and Leonard L. McCants to GRANT; Walter B. Lewis not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

10 MAR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.